

Joint Rules for the purpose of allowing the House and Senate to take up and consider their local and uncontested Calendars on Wednesday and Thursday, May 25th and 26th, 1949.

H. C. R. No. 115, Suspending Joint Rules to permit consideration of H. B. No. 37 on Wednesday, May 25, 1949, or Thursday, May 26, 1949.

H. C. R. No. 116, Granting each House permission to adjourn from Thursday, May 26, 1949, until Monday, May 30, 1949.

Adjournment

Senator Hardeman moved that the Senate adjourn until 10:30 o'clock a.m. Monday.

The motion prevailed by the following vote:

Yeas—11

Aikin	Martin
Ashley	McDonald
Bell	Moore
Hardeman	Taylor
Kelley of Hidalgo	Vick
Lane	

Nays—10

Bracewell	Jones
Carney	Lock
Colson	Morris
Corbin	Phillips
Hudson	Strauss

Absent

Bullock	Moffett
Cousins	Proffer
Harris	Weinert
Hazlewood	

Absent—Excused

Kelly of Tarrant	Tynan
Shofner	

The Senate accordingly at 5:30 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, May 30, 1949.

FIFTY-FOURTH DAY

(Monday, May 30, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Cousins

Absent—Excused

Bracewell	Hardeman
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A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 26, 1949, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Bracewell was granted leave of absence for today on account of illness on motion of Senator Ashley.

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Lane.

Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred S. B. No. 489, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Resolution 180

Senator Aikin offered the following resolution:

Whereas, Mr. Newt Walker, an outstanding citizen of Paris, Texas, is visiting in the Capitol today, and to witness his son's graduation from the University of Texas, and

Whereas, The Senate is always glad to have our good citizens pay us a visit, now, therefore, be it

Resolved, That Mr. Walker and his son, Frank Walker, be extended a hearty welcome and have the privilege of the floor today.

The resolution was read and was adopted.

The President pro tempore then recognized Senator Aikin who presented Mr. Newt Walker and his son, Frank, to the Senate.

Senate Concurrent Resolution 62

Senator Proffer offered the following resolution:

S. C. R. No. 62, Providing for a committee to study the Higher Educational needs of the State.

Whereas, Over a period of many years inequalities in secondary education have existed throughout the State of Texas between the several institutions comprising the publically supported college system; and

Whereas, There are many factors entering into and complicating this situation; and

Whereas, Leading educators and educational authorities in the fields of higher education, both in and outside the institutions of higher learning, agree that the educational inequalities, above mentioned, are increasing rather than decreasing, so that in spite of the foresight and evident intentions of the founders of our State and the framers of our State Constitution to provide equal educational advantages for all, Texas continues to lag farther and farther behind educationally in the higher educational services to the people; and

Whereas, It is imperative that a long-range program be formulated for the institutions of higher learning for the State of Texas; now, therefore, be it

RESOLVED by the Senate of Texas, the House of Representatives concurring, That a Committee composed

of eighteen (18) members be immediately constituted to study same and all other questions relating to improvement of the system of higher education in Texas, and particularly with a view to obtaining more uniform and adequate state support in the financing of an adequate and improved program for higher education in Texas; that necessary and suitable steps be taken to obtain the desired improvements in the higher educational institutions of Texas, and at least to an extent comparable with other States; and that unnecessary divisions and differences among our institutions of higher education, interests, and groups be ascertained and determined to the end that the best educational advantages may be obtained for the greatest number as promptly as possible; and, be it further

Resolved, That the Lieutenant Governor as President of the Senate shall appoint three (3) Members of the Senate and three (3) additional members of said Committee; the Speaker of the House of Representatives shall appoint three (3) Members of the House of Representatives and three (3) additional members of said Committee; and the Governor shall appoint six (6) members of said Committee; and, be it further

Resolved, That there is hereby appropriated out of the Contingent Fund of the Fifty-first Legislature the sum of Twenty-five Thousand Dollars (\$25,000), or as much thereof as may be necessary, to accomplish the purposes set out herein; and said Committee is empowered to effect its own organization, and adopt such procedure and operate as may be necessary to carry out fully the purposes herein described; and said Committee is hereby authorized to request special reports and information from institutions, departments, and other agencies and officers within the State, and shall have the power to subpoena witnesses and hold such hearings as may be considered necessary for the purposes herein stated; and to make such recommendations to the Governor, the Legislature, and the people of the State as it may determine the facts and conditions to warrant, and as soon as practicable. Copies of each and every recommendation shall be filed with the Governor, Lieutenant Governor, Speaker of the House, given to the press, and all higher educational institutions within the State,

prior to the convening of the 52nd Legislature in January, 1951.

The resolution was read and referred to the Committee on Education.

Senate Bill 360 With House Amendments

Senator Kelley of Hidalgo called S. B. No. 360 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan

Absent

Hazlewood	Weinert
Vick	

Absent—Excused

Bracewell	Hardeman
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Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 30, 1949.

Hon: Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 250, A bill to be entitled "An Act creating a court of domestic relations of Potter and Randall counties, Texas; fixing its jurisdic-

tion; fixing its term; providing a clerk; providing the manner of selection and compensation of the judge and other officers of said court; containing a saving clause; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act amending Article 4751, Revised Civil Statutes of Texas, providing a severability clause and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act authorizing the governing body of any city having a population of not less than one hundred seventy-five thousand (175,000) inhabitants according to the last preceding United States census to issue negotiable revenue bonds for the purpose of acquiring, purchasing and installing air conditioning equipment in and for the municipal auditorium and/or municipal theatre owned and operated by said city, such bonds to be accrued solely by a pledge of, and payable from, the net revenues derived from the operation thereof; providing certain conditions relating to the issuance thereof; etc., and declaring an emergency."

S. B. No. 490, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Fifty Thousand (\$350,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the 51st Legislature, and to pay any unpaid accounts or expenses of the 50th Legislature."

S. C. R. No. 40, Granting K. C. Jones, Sr., permission to sue the State of Texas.

H. B. No. 42, A bill to be entitled "An Act approving the election by the Stephen F. Austin State Teachers College in exercising its option to purchase the two hundred-acre tract of land, more or less, known as the R. G. Muckleroy Farm situated east of the City of Nacogdoches on State Highway No. 21 and now under lease by the College; making an appropriation of \$25,000.00 to pay therefor; and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act to authorize county clerks

to destroy all chattel mortgages which have remained on file for a period of more than ten (10) years, unless an affidavit is filed as herein provided; providing a fee for filing affidavit; declaring that all chattel mortgages which have been on file for a period of ten (10) years shall presume to have been paid and the lien satisfied and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act amending Section 1, Section 2, Section 3, and Section 3a of House Bill No. 683, Chapter 206, Page 364, Acts of the Regular Session of the 50th Legislature, authorizing the appointment by District Attorney or Criminal District Attorney of investigators or assistants and a stenographer in Judicial Districts composed of one or more counties and in which the population of any one of said counties, as determined by the last preceding Federal Census is not less than seventy thousand (70,000) and not more than two hundred and twenty thousand (220,000) inhabitants, and in which county there are two or more District Courts; etc., and declaring an emergency."

H. B. No. 622, A bill to be entitled "An Act to amend Section 4 of Article 6602 of the Revised Civil Statutes of Texas, 1925, as last amended in Section 1 of Chapter 328, Acts of the Regular Session of the 49th Legislature, 1945, page 542, so as to provide for acknowledgment of spouses of members of the armed forces, Civil Service Employees, civilian employees and Red Cross Workers in territory officially occupied by the forces of the United States before any commissioned officer of the armed forces of the United States or the Auxiliaries thereto; and declaring an emergency."

H. B. No. 783, A bill to be entitled "An Act to appropriate Ten Thousand (\$10,000.00) Dollars for the Live stock Sanitary Commission to pay traveling and subsistence expenses supplementing the appropriation for traveling expenses made for the biennium ending August 31, 1949; and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act providing means for owners of land in an incorporated city to remove said land from water district of which it is a part; and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act ratifying and confirming the establishment of the Huntsville State Park by the State Parks Board, and providing that said park shall continue and is declared to be a State Park; etc.; and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act to amend Article 1457 of Chapter 12, Title 17 of Penal Code of the State of Texas, 1925, by requiring whoever sells at auction, buys for processing purposes, or sells for a commission, any livestock, to make and keep available for public inspection a record showing the license number, model and make, of motor vehicle or trailer, if any, in which such animal is or was transported to place of sale."

(With engrossed rider)

H. B. No. 774, A bill to be entitled "An Act creating a nine member Game, Fish and Oyster Commission; dividing the State into nine districts to be numbered one to nine inclusive with one member from each district; providing for the appointment, compensation, bond, duties, and functions of the Game, Fish and Oyster Commission; etc.; and declaring an emergency."

(With engrossed rider)

H. C. R. No. 103, Granting Paul Pennell permission to bring suit against the State of Texas and the Highway Department of the State of Texas for damages sustained by him by reason of a defective condition of a bridge in Grayson County, Texas.

S. B. No. 29, A bill to be entitled "An Enabling Act to carry into effect Section 49-b of Article III of the Constitution; to bring into being the Veterans' Land Board as a State agency and provide procedures for the operation thereof; to create a Veterans' Land Fund by providing for the issuance of bonds in and not exceeding the amount of Twenty-five Million Dollars (\$25,000,000) and providing for the sale and for the payment and retirement of such bonds and interest thereon; to provide during a period of eight (8) years from the effective date of the Constitutional Amendment for the purchase of lands by the Veterans' Land Board and the subsequent resale thereof to Texas veterans of World War II as defined;

etc.; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Bill 357**

Senator Kelly of Tarrant submitted
the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the
Senate.

Hon. Durwood Manford, Speaker of
the House of Representatives.

Sirs: We, your committee, appointed to adjust the differences between the House and the Senate on House Bill No. 357, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

KELLY of Tarrant
McDONALD
MARTIN
LANE
ASHLEY

On the part of the Senate.

REED
WILLIS of Tarrant
YEZAK
LEE
McGREGOR

On the part of the House.

H. B. No. 357 by: Willis of Tarrant

**A BILL
TO BE ENTITLED**

"An Act providing for a secret ballot in all elections in Texas; amending Article 2980, Title 50, Chapter 6, of Revised Civil Statutes of Texas, 1925, as amended, providing for the form of ballot; amending Article 3008, Title 50, Chapter 8, of Revised Civil Statutes of Texas, 1925, providing for the delivery of ballots; amending Article 3012, Title 50, Chapter 8, of Revised Civil Statutes of Texas, 1925; providing for a stub box to be kept by the District Clerk; providing for the depositing of ballots; amending Article 3109, Title 50, Chapter 13 of Revised Civil Statutes of Texas, 1925, providing for balloting for primaries; amending Article 3122, Title 50, Chapter 13 of Revised Civil Statutes of Texas, 1925, providing for precaution against fraud; providing that the appropriate provisions of this Act shall

also be applicable to absentee voting; excepting the provisions of this Act from elections in which voting machines are used; providing the provisions of Articles 2980, 3008, and 3012, Revised Civil Statutes of Texas, 1925, as amended by this Act, shall apply to all primary elections as well as those held under authority of Chapter 467, Acts, Second Called Session, Forty-fourth Legislature, as amended, except as provided in Section 7 hereof; providing a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article 2980, Title 50, Chapter 6, of the Revised Civil Statutes of Texas, 1925, as amended, be, and the same is hereby amended so as to hereafter read as follows:

"Article 2980. (2969) Form of Ballot. All ballots shall be printed with black ink on clear white paper of uniform style and of sufficient thickness to prevent the marks thereon from being seen through the paper. The tickets of each political party shall be placed or printed on one (1) ballot, arranged side by side in columns separated by a parallel rule. The space which shall contain the title of the office and the name of the candidate shall be of uniform style and type on said tickets. At the head of each ticket shall be printed the name of the party.

"Upon each official ballot there shall be in the top right-hand corner a detachable stub formed by a perforated line which shall start two (2) inches below the top right-hand corner of the ballot and shall extend two (2) inches to the left and thence to the top edge of the ballot. Upon the stub thus formed there shall be no printing or writing except the number of such ballot and the date and designation of the election, and the words, 'NOTE: VOTER'S SIGNATURE TO BE AFFIXED ON THE REVERSE SIDE.' All ballots prepared for an election shall be numbered consecutively beginning with No. 1, and the identical number that appears on the stub shall also appear in the top left-hand corner of the ballot. Those identical numbers in the top left-hand corner and on the stub in the top right-hand corner

shall be printed or stamped in consecutive order, on all the ballots prepared for any election, with a separate number for each ballot, at the time of printing and before they are divided up and delivered to the election judges.

"When a party has not nominated a full ticket, the titles of those nominated shall be in position opposite the same office in a full ticket, and the titles of the offices shall be printed in the corresponding positions in spaces where no nominations have been made. In the blank columns and independent columns, the titles of the offices shall be printed in all blank spaces to correspond with a full ticket. When presidential electors are to be voted upon, their names shall not appear on the official ballot, but the names of the candidates for President and Vice President, respectively, of the political parties, as defined in the law, shall appear at the head of their respective tickets, and the votes for presidential electors of the various parties shall be canvassed, counted, and returns made in accordance with Articles 3079A and 3079B, of the Revised Civil Statutes of Texas, 1925. When Constitutional Amendments or other propositions are to be voted on, the same shall appear once on each ballot in uniform style and type."

Section 2. That Article 3008, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925, be, and the same is hereby amended so as to hereafter read as follows:

"Article 3008. (3001) Delivery of Ballot. After affixing his signature on the back of each ballot, the election judge shall then check all ballots to see that they are properly numbered, removing any mutilated or unnumbered ballots, thoroughly disarrange and mix the ballots so that they no longer are in consecutive numbered sequence or in any sequence of arithmetic or geometric progression, and then place the ballots face down in a stack or stacks from which each voter shall be allowed to take his own ballot without the number being known to or written down in any manner by the election judge. The election judge shall place a notation on the list of voters showing that the particular person has voted, but shall not make any record of his ballot number. When an election judge is satisfied as to the right of the citizen to vote, the judge shall stamp in legible characters with a stamp of

wood or rubber, the poll tax receipt or the certificate of exemption with the words: "Voted on — day of — A. D., 19—," or write the same words in ink and then return said receipt or certificate to the voter, and shall at the same time allow the voter to select his official ballot as above set out. The voter shall then immediately retire to a voting booth or a place prepared for voting by the election officers, and there prepare his ballot in the manner provided by law."

Section 3. That Article 3012, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925, be, and the same is hereby amended so as to hereafter read as follows:

"Article 3012. (3005). Stub Box. There shall be prepared by the county clerk a stub box, as all other boxes for election, except the opening thereof shall not exceed one-sixteenth (1/16) of an inch in width and one and one-half (1½) inches in length, and it shall then be submitted to the district clerk of the county, who shall seal the box by placing a short ribbon through the hasp on the box and securing the ends of said ribbon with two gummed seals which shall be sealed together by affixing thereto the seal of the court, so as to make it impossible to open the box without breaking the seal; the district clerk further shall prepare in triplicate a certificate showing the number of the box, the date of the election, and the nature of the election. He shall place one copy of this certificate in the box before sealing it, attach one copy to the outside of the box, and retain one copy in his files. This box shall be delivered to the election judge at the same time the regular ballot boxes are distributed, and the election judge shall return this said box to the district clerk at the time he delivers the regular ballot boxes to the designated place. Upon its return, the district clerk shall keep the box secure, as other papers of the district court, and shall allow no one to open the box except by order of the district court, upon the trial of an election contest involving the contents of said box. The box shall be treated as other papers of the district court with the exception that it shall not be opened except by order of the court, and the court further shall have the power to punish anyone found guilty of violating the provisions of this section as contempt of court.

"The district clerk shall keep this

box for a period of at least 60 days (unless the contents of said box shall involve an election contest) after the date of the election at which time the contents of the box shall be destroyed by fire under the direction of the district judge and in the presence of the county judge and the district clerk.

"Depositing Ballots. When a voter who is voting in person shall have prepared his ballot, he shall immediately detach therefrom the perforated stub and affix his signature to the back of the same and deposit it in the stub box before depositing his ballot and without disclosing to anyone the number of his stub. Should the voter be unable to sign his name, he shall place the stub face down so as not to expose the number of his stub and he shall sign the same with an "X" with the election judge placing the voter's name in the election judge's own handwriting, and the voter shall then drop the stub in the stub box before the voter deposits his ballot. The voter shall then fold the ballot so as to conceal the printing thereon and so as to expose the signature of the presiding judge on the back of the ballot, then deposit the ballot in the proper ballot box, and unless the ballot is deposited in such ballot box and the stub in the stub box by the voter in person, the same shall not be counted as a vote in such election."

Section 4. That Article 3109, Title 50, Chapter 13, of the Revised Civil Statutes of the State of Texas, 1925, be, and the same is hereby amended so as to read as follows:

"Article 3109. (3095) Balloting at Primaries. The vote at all general primaries shall be by official ballot which shall have printed at the head the name of the party, and under such head the names of all candidates, those for each nomination being arranged in the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought. The voter shall mark out all the names he does not wish to vote for. The official ballot shall be printed in black ink upon white paper and beneath the name of each candidate thereof for State and District offices there shall be printed the county of his residence.

"Upon each official ballot there shall be in the top right-hand corner a detachable stub formed by a perforated line which shall start two (2)

inches below the top right-hand corner of the ballot and shall extend two (2) inches to the left and thence to the top edge of the ballot. Upon the stub thus formed there shall be no printing or writing except the number of such ballot and the date and designation of the election, and the words, 'NOTE: VOTER'S SIGNATURE TO BE AFFIXED ON THE REVERSE SIDE.' All ballots prepared for an election shall be numbered consecutively beginning with No. 1 and the identical number that appears on the stub shall also appear in the top left-hand corner of the ballot. These identical numbers in the top left-hand corner and on the stub in the top right-hand corner shall be printed or stamped in consecutive order on all the ballots prepared for any election, with a separate number for each ballot, at the time of printing and before they are divided up and delivered to the election judges.

"The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least one and a half (1½) times as many of such official ballots as there are poll taxes paid for such precinct, as shown by the Tax Collector's list. Where two (2) or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county or justice precinct, such candidates shall be voted for and nominations made separately and all nominations shall be separately designated on the official ballots by numbering the same (1), (2), (3), etc., printing the word 'No.' and the designated number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. Each voter shall vote for only one (1) candidate for each such nomination."

Section 5. That Article 3122, Title 50, Chapter 13, of the Revised Civil Statutes of the State of Texas, 1925, be, and the same is hereby amended so as to read as follows:

"Article 3122. (3118) Precaution

Against Fraud. The same precautions required by law to secure the purity of a ballot box in general elections, in regard to the ballot boxes, locking the ballot boxes, sealing the same, watchful care of them, the secrecy in preparing the ballot in the booth or place prepared for voting and the procedure involving the removal of the detachable stub and the depositing of the ballot and the stub in the proper boxes shall be observed in all primary elections."

Section 6. The appropriate provisions of this Act shall also apply to absentee voting, in which case the person casting an absentee ballot shall not remove the detachable stub from the ballot. After the ballot has been prepared by the elector, the elector shall affix his signature on the reverse side of the perforated stub and then shall cast the ballot as now provided by law.

Should the elector be unable to sign his name, he shall place the ballot face down so as not to expose the number of same and shall sign on the back of the perforated stub an "X." The attesting officer shall then write the elector's name on the back of the stub.

The absentee ballot shall then be delivered to the election judge in the proper precinct as is now provided for in this title.

Before the election judge deposits an absentee ballot as elsewhere provided for in this title, he shall detach from said ballot the perforated stub and place it in the stub box. If the name of the elector does not appear on the reverse side of said perforated stub the election judge shall write the name of the elector on the back of said stub before depositing same in the stub box.

Section 7. The provisions of this Act shall not apply to elections in which voting machines are used as provided for elsewhere in this title.

Section 7-A. The provisions of Articles 2980, 3008, and 3012, Revised Civil Statutes of Texas, 1925, as amended by this Act, relative to the form, numbering and secrecy of the ballot, as well as the procedure involving the selection of the ballot and the removal of the detachable stub, shall apply to all primary elections as well as those held under or by authority of Chapter 467, Acts, Second Called Session, Forty-fourth Legislature, as amended, except as provided in Section 7 hereof.

Section 8. The respective counties shall provide the additional supplies needed to comply with this Act insofar as general and special elections are concerned.

Section 9. Should any portion, section, sentence, clause, phrase, or word in this bill be unconstitutional or void, such shall in no wise affect and render invalid any other portion of this bill, and the Legislature declares that it would have passed and enacted all the remaining portions of such bill.

Section 10. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Section 11. The importance of this legislation and the fact that the present system of numbering ballots with corresponding numbers on polling lists renders available the information as to how a voter casts his vote at an election, and the importance of securing for the electorate of this State a system which will insure a secret ballot, and the fact that the present system of numbering renders it possible to perpetrate frauds and embarrass voters at the election, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and such Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Lane

Absent

Cousins Weinert

Absent—Excused

Bracewell Hardeman

**Communication from President
T. S. Painter**

The President pro tempore laid before the Senate and directed the Secretary to read the following communication:

The University of Texas,
Office of the President,
Austin, Texas
May 30, 1949.

To the Members of the House and the Senate of the 51st Legislature.

Gentlemen:

You are most cordially invited to attend the Sixty-sixth Annual Spring Graduation Exercises of The University of Texas on the Terrace in front of the Main Building tonight at 7:45 p.m. Upon this occasion the University will graduate the largest class in its history, slightly less than 2,000. We indeed regret that limited facilities make it impossible for us to invite Members to be seated upon the platform, but there will be an ample number of seats to take care of all who wish to attend.

Sincerely yours,

THEOPHILUS S. PAINTER,
President

Senate Concurrent Resolution 63

Senator Morris offered the following resolution:

S. C. R. No. 63, Providing for the appointment of a Texas Higher Education Survey Commission.

Whereas, It has long been evident that a carefully planned and coordinated long-range program for the development of state-supported higher education in Texas does not exist; and

Whereas, Such a program is essential if available state funds are to be used wisely and economically in developing the system of state-supported higher education in Texas to its maximum efficiency; and

Whereas, Many relatively new factors enter into the current complicated situation, such as the great and growing increase in student registration at the senior college level, the rapid expansion of junior college education, the heavy and rapidly increasing demand for professional and graduate instruction, and the tremendous increase in college operating costs; and

Whereas, No machinery presently exists for coordinating the teaching and research programs of the several state-supported institutions of higher learning to the end that unnecessary duplication of staff and facilities be avoided and desirable expansion be fostered; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That a Texas Higher Education Survey Commission of fifteen (15) members be, and the same is hereby authorized, five (5) members thereof to be appointed by the Lieutenant Governor, including three members of the Senate, five (5) members to be appointed by the Speaker of the House of Representatives, including three members of the House of Representatives, and five (5) members to be appointed by the Governor; and be it further

Resolved, That the said commission shall be charged with the duty of making a complete survey of the existing system of public higher educational institutions in the State, including junior colleges, with the object of determining: the adequacy of the present system to serve the academic needs of the several geographical areas of the State; the adequacy of the financial support now being provided; the appropriate teaching and research program to be offered by each of the several state-supported institutions of higher learning, due regard being given to student needs and to the most economical utilization of available resources; the institutions in which graduate instruction leading to the Master's and Doctor's degrees should be offered; the appropriate governing boards to be provided for the several institutions of higher education; the administrative machinery by which the operations of the state-supported system of higher education can be coordinated with the purpose of avoiding unnecessary duplication of teaching and research programs and of providing the most effective system of higher education; and such other matters pertaining to the operation of the state-supported institutions of higher education as the commission may deem proper; and be it further

Resolved, That in prosecuting its study the commission shall investigate the methods, administrative systems, and policies of the other states of the United States with the purpose of recommending the adoption of such of their practices and

procedures as are deemed applicable to the most effective operation of the Texas system of state-supported higher education; and be it further

Resolved, That there is hereby appropriated out of the Contingent Fund of the Fifty-first Legislature the sum of Fifty Thousand Dollars (\$50,000) or as much thereof as may be necessary to accomplish the purposes set out herein; and said commission is empowered to effect its own organization and to adopt such procedures and to operate as may be necessary to carry out fully the purposes herein described; and said commission is authorized to employ such personnel as may be deemed necessary to carry out the purposes of this resolution; and the said commission is hereby authorized to request special reports from the several state-supported institutions of higher learning and other agencies and officers within the State and shall have the power to subpoena witnesses and hold such hearings as may be considered necessary for the purposes herein stated; and after the completion of the survey herein provided for the commission shall make such recommendations to the Governor, the Fifty-second Legislature, and the people of the State as it may determine the facts and conditions to warrant. Copies of each and every recommendation shall be filed with the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, given to the press, and filed with each of the several state-supported institutions of higher education within the State.

The resolution was read and referred to the Committee on Education.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 931, to Committee on Civil Jurisprudence.

H. B. No. 668, to Committee on Finance.

H. B. No. 42, to Committee on Finance.

H. B. No. 944, to Committee on Towns and City Corporations.

H. B. No. 783, to Committee on Finance.

H. B. No. 678, to Committee on Insurance.

H. B. No. 622, to Committee on Civil Jurisprudence.

H. B. No. 474, to Committee on Judicial Districts.

H. B. No. 250, to Committee on Civil Jurisprudence.

H. B. No. 214, to Committee on Civil Jurisprudence.

H. B. No. 900, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 949, to Committee on State Affairs.

Senate Bill 106 with House Amendments

Senator Ashley called S. B. No. 106 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Ashley moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Cousins Kelley of Hidalgo

Absent—Excused

Bracewell Hardeman

Senate Resolution 181

Senator Corbin offered the following resolution:

Whereas, Seventeen pupils of the Coahoma Independent School of Howard County are on an educational tour of the City of Austin; and

Whereas, This group, along with their sponsors, Mr. W. Andrew Wilson, Principal, and Mrs. Wilson, are present in the Senate Gallery today; now, therefore, be it

Resolved, By the Senate of Texas, That we bid them a hearty welcome, and that a copy of this resolution be forwarded to the sponsors and each member of this group.

The resolution was read and was adopted.

Senate Resolution 182

Senator Hudson offered the following resolution:

Whereas, The Honorable Juban Jenkins, President of the School Board of Rocksprings, Texas, and four graduates of Rocksprings High School are visiting in the Capitol today, and

Whereas, Being interested in legislation and government, they are visiting the Senate Gallery at this time, and

Whereas, The Senate is honored to have this group as visitors, now, therefore, be it

Resolved, That the Senate by the adoption of this resolution shall express to Mr. Jenkins and the graduates our appreciation of their visit and that a copy of this resolution under seal of the Senate shall be forwarded to Mr. Jenkins and each of the graduates.

The resolution was read and was adopted.

House Bill 737 on Second Reading

Senator Hudson moved to suspend the regular order of business to take up H. B. No. 737 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hudson
Ashley	Jones
Bell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Colson	Lock
Harris	Martin
Hazlewood	McDonald

Moffett	Taylor
Moore	Tynan
Morris	Vick
Phillips	Weinert
Shofner	

Nays—2

Corbin	Strauss
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Absent

Cousins	Proffer
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Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 737, A bill to be entitled "An Act amending Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated, Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937, as amended by Senate Bill No. 227, Chapter 351, Acts of the 50th Legislature, by amending Subdivision (g) thereof, providing that sweet gas produced from any gas well in this State may be utilized without the prior extraction of its gasoline content for the manufacture of carbon black where it is utilized in a plant producing an average of not less than one and one-half (1½) pounds of carbon black for each one thousand (1,000) cubic feet of such gas; etc.; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following committee amendment to the bill:

(Committee Amendment No. 1)

Amend House Bill No. 737, Section 1, by striking out all of Section (h) and substituting in lieu thereof the following:

"Section (h). Any natural gas containing less than one and one-half (1½) gallons of propane and heavier hydrocarbons per thousand cubic feet, as determined by fractional analysis made of such gas may be used for the manufacture of carbon black in a plant producing an average recovery of as much as one and one-half (1½) pounds of carbon black for each one thousand cubic feet of gas consumed; provided, however, that the Railroad Commission of Texas may

upon application being filed therefor, and after notice and hearing, authorize the use of any natural gas containing a greater amount of propane and heavier hydrocarbons in the manufacture of carbon black in such a plant where the Railroad Commission shall find it to be unprofitable to first extract the gasoline content of such gas."

Senator Strauss offered the following substitute for the Committee Amendment:

Amend H. B. 737, Sec. 1, by striking out all of Sec. (h) and substituting in lieu thereof the following:

"Sec. (h). Any natural or casing-head gas produced from any gas well or oil well in this State containing less than one and one-half (1½) gallons of propane and heavier hydrocarbons per one thousand cubic feet, as determined by fractional analysis made of such gas may be used for the manufacture of carbon black in a plant producing an average recovery of as much as one and one-half (1½) pounds of carbon black for each one thousand cubic feet of gas consumed, but natural or casinghead gas produced from any gas well or oil well in this State containing a greater amount of propane and heavier hydrocarbons may not be so used without the prior extraction of its natural gasoline content; provided, however, that the Railroad Commission of Texas may upon application being filed therefor, and after notice and hearing, authorize the use of any natural gas containing a greater amount of propane and heavier hydrocarbons in the manufacture of carbon black in such a plant where the Railroad Commission shall find it to be unprofitable to first extract the gasoline content of such gas."

Senator Hazlewood offered the following amendment to the substitute:

Amend the amendment by Senator Strauss by adding the following words and language at the end thereof as follows:

"provided, however, that this provision shall have no application to any gas field having a common reservoir containing both sweet and sour gas."

Senator Hudson moved to table the amendment to the substitute.

Motion to Recess

Senator Corbin moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Aikin moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Corbin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—9

Corbin	Moore
Hazlewood	Phillips
Kelly of Tarrant	Proffer
Lane	Tynan
McDonald	

Nays—18

Aikin	Kelley of Hidalgo
Ashley	Lock
Bell	Martin
Bullock	Moffett
Carney	Morris
Colson	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Vick

Absent

Cousins	Weinert
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Absent—Excused

Bracewell	Hardeman
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Question then recurring on the motion of Senator Aikin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—13

Aikin	Martin
Ashley	McDonald
Corbin	Moffett
Hazlewood	Moore
Jones	Proffer
Kelly of Tarrant	Tynan
Lane	

Nays—16

Bell	Lock
Bullock	Morris
Carney	Phillips
Colson	Shofner
Cousins	Strauss
Harris	Taylor
Hudson	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bracewell

Hardeman

Question—Shall the motion to table the amendment by Senator Hazlewood prevail?

Conference Committee on House Joint Resolution 7

Senator Proffer called from the President's table for consideration at this time the request of the House for a conference committee to adjust the differences between the two Houses on H. J. R. No. 7 and moved that the request be granted.

The motion prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the part of the Senate:

Senators Proffer, Aikin, Vick, Hazlewood and Kelley of Hidalgo.

Bills Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 95, A bill to be entitled "An Act amending Article 7661 of Chapter 2, of Title 128, of the Revised Civil Statutes of Texas of 1925; providing an optional method of establishing a Board of Equalization for districts referred to therein, and declaring an emergency."

S. B. No. 423, A bill to be entitled "An Act amending House Bill No. 908, Acts of the 46th Legislature, 1939, Regular Session, Chapter 8, page 600, (being Article 1645a-1, Vernon's Civil Statutes of Texas) so as to provide for additional compensation for County Auditors in counties having a population of not less than 90,000 inhabitants and not more than 225,000 inhabitants according to the last preceding Federal Census and having a valuation of not less than \$120,000,000 and not more than \$150,000,000 according to the last approved tax roll, where the county auditor acts as Purchasing Agent for the County in addition to performing the regular duties of his office, and declaring an emergency."

S. B. No. 478, A bill to be entitled "An Act to provide for continuous

terms for the 77th District Court in Limestone and Freestone Counties; providing this Act shall be cumulative of Section 77 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict, and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act prohibiting the transportation of minnows of any and all species out of Montgomery County wherein such minnows were caught, seined, or taken; providing that possession of more than five hundred (500) minnows by any person, firm, or corporation at one time shall constitute prima facie evidence of the violation of this Act; providing that nothing in this Act shall prohibit the transportation for personal use of one hundred and fifty (150) minnows or less from Montgomery County to another county and providing that nothing shall prohibit transportation of minnows from Montgomery County to another county when said minnows have been raised in a minnow hatchery in this State; defining a minnow hatchery; providing a penalty; and declaring an emergency."

S. B. No. 479, A bill to be entitled "An Act to provide for continuous terms for the 87th District Court in Anderson, Limestone, Freestone and Leon Counties; providing this Act shall be cumulative of Section 87 of Article 199, Revised Civil Statutes of Texas, 1925, and repealing said section only to the extent of conflict, and declaring an emergency."

S. B. No. 405, A bill to be entitled "An Act to amend Subdivision 107 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 574, Chapter 300, Acts of the Regular Session of the 49th Legislature, 1945, by adding thereto another Section to be known as Section 5a, providing for certain County Court jurisdiction in Willacy County to be placed in the 107th District Court; removing such jurisdiction from the County Court of Willacy County; providing for the transfer of cases from said County Court to said District Court, repealing all laws in conflict herewith to the extent of such conflict and making this Act cumulative of all existing laws governing such Courts; providing a severability clause; and declaring an emergency."

S. B. No. 463, A bill to be entitled

"An Act authorizing counties having a population of not less than 6141 and not more than 6150 inhabitants according to the last preceding Federal Census and having an assessed valuation of not less than \$21,000,000.00 according to the last approved tax rolls to acquire by purchase or otherwise an airport; providing certain limitations; providing this Act shall be severable; and declaring an emergency."

S. B. No. 355, A bill to be entitled "An Act to ratify and validate the proceedings of Maverick County Water Control and Improvement District No. 1 in connection with the issuance of refunding bonds and improvement bonds in 1935 and 1936, including a special assessment; ratifying and validating the proceedings of the District in connection with the issuance of its two 1948 bond series, including tax levy, provision for bond reserve, emergency fund assessments, and water charges, contract for sale of water for power and its assignment, and ratifying and extending the special assessment; and to empower the District to issue refunding bonds and improvement bonds; providing a savings clause; and declaring an emergency."

S. B. No. 406, A bill to be entitled "An Act to amend Article 5921 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that minors above the age of eighteen (18) years, who are in the Armed Forces, and those above the age of eighteen (18) years who have been discharged from the armed forces of the United States, may have their disabilities of minority removed under certain conditions; providing that this Act shall be cumulative; and declaring an emergency."

S. B. No. 459, A bill to be entitled "An Act transferring the Civil and Criminal Jurisdiction of the County Court of Ellis County, Texas, to the District Court of said County, providing for certain constitutional exceptions, providing for the transfer as to pending cases and the enforcement of judgments heretofore rendered, and declaring an emergency."

S. B. No. 323, A bill to be entitled "An Act amending Subdivision (c) of Section 7b, as added by the Acts of the 45th Legislature, Regular Session, 1937, page 248, Chapter 130, Section 3, which Act amended Section 7, page 648, Chapter 290, of the Acts of the Forty-first Legislature, Regu-

lar Session, 1929, so as to authorize the Board of Education of any Junior College District to have its taxes assessed and collected, or collected only, by the city assessor and collector of an incorporated city or town in the limits of which the Junior College District, or a part thereof, is located; providing for remuneration for such assessment and collection; and declaring an emergency."

S. B. No. 399, A bill to be entitled "An Act amending Senate Bill No. 138, Chapter 354, page 715, General Laws enacted by the 50th Legislature, Regular Session, 1947, and declaring an emergency."

S. B. No. 393, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 386, Chapter 256, Acts of the Regular Session of the 45th Legislature, 1937, page 507, so as to include within the provisions of said Act the counties of Cochran, Hockley, Lubbock, Crosby, Lynn, Dawson, Terry and Garza, and retaining therein the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher and Wheeler; and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act amending Chapter 22, page 39, Acts of the 43rd Legislature of Texas, Third Called Session, 1934; authorizing the issuance of refunding bonds to refund municipal fish market revenue bonds; authorizing cities owning municipal fish markets to lease all or any portion thereof; containing a savings clause and declaring an emergency."

S. B. No. 317, A bill to be entitled "An Act amending Section 6 of Chapter 125, Acts of the Regular Session, 45th Legislature, 1937, as amended in Section 1 of Chapter 40, Acts of the Regular Session of the 49th Legislature, 1945, page 58, so as to change the provision for active service for a period of twenty years in some regularly organized Fire Department to a provision requiring active service for a period of twenty years in one or more regularly organized Fire Departments; and declaring an emergency."

S. B. No. 314, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to fix the term of all surface leases on University lands, except right-of-way easements and grazing leases which shall be limited to not more than ten years; validating prior leases; and declaring an emergency."

S. B. No. 261, A bill to be entitled "An Act amending Chapter 204, paragraph 201, Acts of 1937, 45th Legislature, page 405; Acts of 1939, 46th Legislature, page 135, paragraph 1; Acts of 1943, 48th Legislature, page 125, Chapter 95, paragraph 1, Section 4 (Article 1524-A, Section 4, Vernon's Revised Civil Statutes), so as to change the filing fee by increasing the amount thereof; and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act amending Senate Bill No. 391, Acts of the 50th Legislature, 1947, Item 3 of appropriations made to the Firemen's Pension Commissioner to include the word 'salaries' for the purpose of payment of salaries of seasonal help and declaring an emergency."

S. B. No. 490, A bill to be entitled "An Act making an appropriation of \$350,000 to pay mileage and per diem of the Fifty-first Legislature, etc., and declaring an emergency."

Recess

Senator Corbin moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Moffett moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Corbin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Corbin	McDonald
Hazlewood	Moore
Jones	Phillips
Kelly of Tarrant	Proffer
Lane	Tynan
Martin	Weinert

Nays—17

Aikin	Bell
Ashley	Bullock

Carney	Moffett
Colson	Morris
Cousins	Shofner
Harris	Strauss
Hudson	Taylor
Kelley of Hidalgo	Vick
Lock	

Absent—Excused

Bracewell	Hardeman
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Question then recurring on the motion to recess to 2:30 o'clock p.m. today, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Corbin	Phillips
Hazlewood	Proffer
Jones	Tynan
Lane	Weinert
Martin	

Nays—14

Bullock	Kelly of Tarrant
Carney	Lock
Colson	Morris
Cousins	Shofner
Harris	Strauss
Hudson	Taylor
Kelley of Hidalgo	Vick

Absent—Excused

Bracewell	Hardeman
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The Senate accordingly at 12:15 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was colled to order by the President pro tempore.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,
May 30, 1949.
Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 950, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred S. B. No. 476, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 783, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 918, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Wa-

ter Rights, Irrigation and Drainage, to whom was referred H. B. No. 900, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

House Bill 737 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 737 on its passage to third reading with committee amendment No. 1, a substitute by Senator Strauss for the committee amendment, an amendment by Senator Hazlewood to the substitute and a motion by Senator Hudson to table the amendment to the substitute pending.

Question—Shall the motion to table prevail?

Senator Strauss withdrew the substitute for the committee amendment.

Senator Strauss offered the following substitute for the committee amendment:

Amend H. B. No. 737, Section 1, by striking out all of Section (h) and substituting in lieu thereof the following:

Sec. (h). Any natural or casing-head gas produced from any gas well or oil well in this state containing less than one and one-half (1½) gallons of propane and heavier hydrocarbons per one thousand cubic feet, as determined by fractional analysis made of such gas may be used or sold for any lawful purpose, including the manufacture of carbon black in a plant producing an average recovery of as much as one and one-half (1½) pounds of carbon black for each one thousand cubic feet of gas without the prior extraction of its natural gasoline content, but natural or casing-head gas produced from any gas well or oil well in this state containing a greater amount of propane and heavier hydrocarbons may not be so used or sold without the prior extraction of its natural gasoline content, provided, however, that the Railroad Commission of Texas may, upon application being filed therefor, and after notice and hearing, authorize the use of any natural gas containing a greater amount of propane and heavier hydrocarbons in the manufacture of carbon black in such a plant where

the Railroad Commission shall find it to be unprofitable to first extract the gasoline content of such gas.

The substitute was adopted.

The committee amendment as substituted was then adopted.

Senator Strauss offered the following amendment to the bill:

Amend H. B. No. 737, Section 2, by changing the semi-colon after the word "repealed" in line 50 of the printed bill to a period and striking out the remainder of said Section 2.

The amendment was adopted.

Senator Hudson offered the following committee amendment to the bill:

(Committee Amendment No. 2)

Amend House Bill No. 737 to make the caption conform to the bill.

The committee amendment was adopted.

The bill was passed to third reading.

House Bill 737 on Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 737 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Cousins	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—3

Corbin	Martin
Hazlewood	

Absent

Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bullock	Moore
Carney	Morris
Colson	Phillips
Cousins	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—3

Corbin	Martin
Hazlewood	

Absent

Moffett	Weinert
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Absent—Excused

Bracewell	Hardeman
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Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 558, A bill to be entitled "An Act to amend Article 1052, Code of Criminal Procedure, 1925, as amended so as to provide a fee of Five (\$5) Dollars to be paid the County Judge or Judge of the Court at Law in each criminal action tried and finally disposed of before him; providing this Act shall be severable; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bills and Resolution on First Reading

The following bills and resolution, received from the House today, were

laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 150, to Committee on Criminal Jurisprudence.

H. B. No. 774, to Committee on Game and Fish.

H. C. R. No. 103, to Committee on Civil Jurisprudence.

H. B. No. 558, to Committee on Criminal Jurisprudence.

Senate Bill 486 on Second Reading

Senator Carney moved to suspend the regular order of business to take up S. B. No. 486 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Weinert

Absent—Excused

Bracewell

Hardeman

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 486, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct a dam or dams on the rivers or streams running through the Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes to be used for recreational and park purposes; providing that no such dam shall be repaired, built or constructed until a permit has been granted therefor by the State Board of Water En-

gineers; etc.; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend S. B. No. 486 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The State Parks Board is hereby authorized to repair, build or construct a dam or dams on the rivers or streams running through Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes, and other improvements, to be used for recreational and park purposes and to work in conjunction and cooperation with other governmental agencies in carrying out the purposes of this Act. It is further provided that no such dam shall be built or constructed until after the State Board of Water Engineers has granted a permit therefor. To pay for the repairing, building or construction of such dam or dams or other improvements, the State Parks Board is hereby authorized to sell the timber or any part thereof from the lands comprising said Huntsville State Park and to use whatever amount of said timber is necessary to repair, build or construct the improvements herein authorized; provided, however, that the timber to be sold or used shall be selectively cut under the supervision of the Texas Forest Service.

Section 2. The timber herein authorized to be sold shall be sold on competitive bids, the contract to be awarded to the party or parties who, in the judgment of the Texas Forest Service has submitted the highest and best bid. Such contract, however, shall not be let until the same has been approved by the State Parks Board. The Texas Forest Service shall advertise for a period of two weeks in a least one weekly newspaper, published and circulated in Walker County, for the sale of such timber or any part thereof, giving the necessary information pertaining thereto, and the time and place for receiving such bids. The first publication shall be at least ten days before the date of receiving the bids. All such competitive bids shall be kept on file by the Texas Forest Service as part of their records and shall be subject to inspection by anyone desiring to see them. Copies of such bids shall be furnished to

the State Parks Board. The Texas Forest Service shall have the right to reject any and all of said bids and re-advertise for new bids.

Section 3. There is hereby created a special fund to be known as the "Huntsville State Park Building Fund." The moneys derived from the sale of timber cut from the lands of said park shall be placed in the State Treasury to the credit of the above designated fund and shall be expended by the State Parks Board in accordance with the provisions of this Act.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any section, sub-section, sentence, clause or phrase of this Act shall be held unconstitutional for any reason, such fact shall not affect the remaining portions hereof.

Section 6. The fact that the repairing, building or construction of the dam or dams and other improvements authorized by this Act are necessary to properly effectuate the carrying out of the park purposes of the Huntsville State Park, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Colson offered the following amendment to the amendment:

Amend amendment No. 1 to S. B. No. 486 by striking out the period at the end of Section 1 and inserting in lieu thereof a semi-colon and adding the following:

"provided further, that the amount of timber to be sold in any calendar year shall not exceed the sum of \$250,000.00."

Senator Harris offered the following amendment to the amendment to the amendment:

Amend amendment No. 2 to S. B. No. 486 by striking out the words "in any calendar year."

The amendment by Senator Harris was adopted.

The amendment to the amendment

was adopted.

The amendment as amended was then adopted.

On motion of Senator Colson and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 486 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Hazlewood	Shofner
Lane	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Harris	Phillips
Jones	Proffer
Kelley of Hidalgo	Strauss

Taylor	Vick
Tynan	Weinert

Absent

Hazlewood	Shofner
Hudson	

Absent—Excused

Bracewell	Hardeman
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Senate Resolution 183

Senator Aikin offered the following resolution:

Whereas, The Senior Class of Blossom High School accompanied by the Superintendent Mr. L. C. Denton and Principal Mr. John Redd are visiting in the Capitol today; and

Whereas, The Senate is glad to have them as our guests; now, therefore, be it

Resolved, By the Senate of Texas, that they be extended a hearty welcome and the privilege of the floor for today.

The resolution was read and was adopted.

House Bill 93 on Second Reading

Senator Kelley of Hidalgo moved to suspend the regular order of business to take up H. B. No. 93 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—4

Bullock	Strauss
Lane	Taylor

Absent

Shofner	Weinert
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Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 93, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, of the 48th Legislature, 1943, page 313, Chapter 204, by providing that in counties having only one district court and having a juvenile board, such board shall designate the county or district court of such county as the Juvenile Court for said county, and in all other counties having only one district court, but no juvenile board, the County Judge and the District Judge of such county shall designate the county or district court of such county as the Juvenile Court; etc., and declaring an emergency."

The bill was read second time.

Senator Kelley of Hidalgo offered the following amendment to the bill:

An Act amending Section 4 of Senate Bill No. 44, Acts of the Forty-eighth Legislature, 1943, page 313, Chapter 204, by providing that in counties having only one (1) district court and having a juvenile board, such board shall designate the county or district court of such county as the Juvenile Court for said county, and in all other counties having only one (1) district court, but no juvenile board, the County Judge and the District Judge of such county shall designate the county or district court of such county as the Juvenile Court; and providing that in counties having two (2) or more district courts and having a juvenile board, such board shall designate one (1) of the district courts as the Juvenile Court for said county, and in all counties having two (2) or more district courts, but no juvenile board, the judges of the district courts and the county court of such counties shall designate one (1) of the district courts as the Juvenile Court for said county, and providing that in all counties having two (2) or more district courts, the district court designated as the Juvenile Court for said county shall give preference to cases of annulment, divorce, dependency, neglect, support, custody, adoption, and contempt proceedings growing out of or ancillary to such cases; pending the designation of Juvenile Courts under the provisions of this Act, all Juvenile Courts heretofore designated under the previous law shall continue to function with all

powers and jurisdiction heretofore vested in them; it being the intention of the Legislature, however that the new designations shall be made in each county of the State within ninety (90) days after the effective date of this Act; providing a saving clause; and declaring an emergency.

The amendment was adopted.

The bill was passed to third reading.

House Bill 93 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Carney	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—4

Bullock	McDonald
Lock	Taylor

Absent

Hazlewood	Weinert
Morris	

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Hazlewood
Ashley	Hudson
Bell	Jones
Carney	Kelley of Hidalgo
Colson	Moffett
Corbin	Moore
Cousins	Morris
Harris	Phillips

Proffer	Tynan
Shofner	Vick
Strauss	

Nays—7

Bullock	Martin
Kelly of Tarrant	McDonald
Lane	Taylor
Lock	

Absent

Weinert

Absent—Excused

Bracewell	Hardeman
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Conference Committee on House Bill 58

Senator Carney called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 58 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the part of the Senate: Senators Carney, Lane, McDonald, Hardeman and Morris.

Bill Re-referred

On motion of Senator Moffett, H. B. No. 150 was withdrawn from the Committee on Criminal Jurisprudence and re-referred to the Committee on Stock and Stock Raising.

Senate Bill 375 With House Amendments

Senator Taylor called S. B. No. 375 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Taylor moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Ashley
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Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Nays—1

Lane

Absent

Weinert

Absent—Excused

Bracewell

Hardeman

**Report of Conference Committee
on Senate Bill 92**

Senator Lane submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on Senate Bill No. 92, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

LANE
MORRIS
HUDSON
PHILLIPS

On the part of the Senate.

STOREY
STEWART
HEFLIN
JAMESON

PERRY of Brazoria

On the part of the House.

S. B. No. 92

A BILL

To Be Entitled

"An Act allowing additional compensation for certain district, county and precinct officers and for their deputies, clerks and assistants, and prescribing the minimum and maximum salaries of certain officers; pro-

viding that members of Commissioners' Courts cannot raise their salary without giving a proportionate raise to other county officials; providing for publication of notice of raise; providing that such Act is cumulative of other laws pertaining to such salaries; providing that the Act shall be severable; repealing all laws in conflict; and declaring an emergency."

Be It Enacted By the Legislature of the State of Texas:

Section 1. The Commissioners' Court in each county of this State is hereby authorized, when in their judgment the financial condition of the county and the needs of the officer justify the increase, to enter an order increasing the compensation of the precinct, county and district officers, or either of them, in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1948, whether paid on fee or salary basis, provided, however, the members of the Commissioners' Court may not raise the salaries of any of such Commissioners' Court under the terms of this Act without raising the salary of the remaining county officials in like proportion.

Section 2. The Commissioners' Court in each county of this State is hereby authorized, when in their judgment the financial condition of the county and the needs of the deputies, assistants and clerks of any district, county or precinct officer justify the increase, to enter an order increasing the compensation of any such deputy, assistant or clerk in an additional amount not to exceed thirty-five (35%) per cent of the sum allowed under the law for the fiscal year of 1948.

Section 3. All of such officers who were paid on a fee basis during the fiscal year of 1948, and who are now to be paid on a salary basis, shall be paid an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year of 1935, and not more than the maximum sum allowed such officer under the laws existing on August 24, 1948, together with the twenty-five (25%) per cent increase allowed by this Act within the discretion of the Commissioners' Court.

Section 4. Before the Commissioners' Court shall be authorized to change the salary of the public of-

ficials provided for in this Act, said Court shall publish at least once a week for three (3) consecutive weeks in a newspaper in the respective county, notice of their intention to make changes of salaries of those affected.

Section 5. The provisions of this Act shall be cumulative of all other laws pertaining to salaries of county and precinct officers and their deputies and assistants.

Section 6. If any section, subsection, paragraph, or portion of this Act is held invalid, such holding shall not affect the validity of the remaining portions of the Act; and the Legislature hereby declares that it would have enacted such remaining portions despite such invalidity.

Section 7. The fact that the cost of living is rising and the purchasing power of the dollar is decreasing, and that wages and salaries in private industry have increased to an extent that public officers and employees continue in their offices at a sacrifice in many instances; and the further fact that an amendment to the Texas Constitution adopted in 1948 provided that all sheriffs and their deputies shall be paid an annual salary; and the fact of the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

House Bill 925 on Second Reading

Senator Kelly of Tarrant moved to suspend the regular order of business to take up H. B. No. 925 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Jones	Proffer
Kelly of Tarrant	Shofner

Taylor	Vick
Tynan	

Nays—2

Harris	Strauss
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Absent

Hazlewood	Kelley of Hidalgo
Hudson	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 925, A bill to be entitled "An Act amending Title 50, Revised Civil Statutes of Texas, 1925, by amending Article 3084, Revised Civil Statutes of Texas, 1925, so as to change the date on which electors shall meet to cast their votes for President and Vice-President; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 925 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 925 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bullock	Morris
Carney	Phillips
Colson	Proffer
Cousins	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lock	Vick
Martin	

Nays—2

Harris	Lane
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Absent

Corbin	Hudson
Hazlewood	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Jones	Shofner
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lock	Vick

Nays—4

Bell	Lane
Harris	Strauss

Absent

Hazlewood	Weinert
Hudson	

Absent—Excused

Bracewell	Hardeman
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Motion to Recess

Senator Aikin moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—13

Aikin	Moffett
Corbin	Moore
Harris	Phillips
Hudson	Proffer
Kelly of Tarrant	Taylor
Lane	Tynan
Martin	

Nays—15

Ashley	Kelley of Hidalgo
Bell	Lock
Bullock	McDonald
Carney	Morris
Colson	Shofner
Cousins	Strauss
Hazlewood	Vick
Jones	

Absent

Weinert

Absent—Excused

Bracewell	Hardeman
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House Bill 771 on Second Reading

Senator Cousins moved to suspend the regular order of business to take up H. B. No. 771 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Carney	Moore
Colson	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Nays—1

Bullock

Absent

Corbin	Weinert
Hudson	

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 771, A bill to be entitled "An Act amending Senate Bill No. 95, Acts of the Regular Session of the Forty-eighth Legislature, as amended by Senate Bill No. 350, Acts of the Regular Session of the Forty-eighth Legislature, as amended by House Bill No. 856, Acts of the Regular Session of the Forty-ninth Legislature, providing that in all incorporated cities and towns containing more than Fifty Thousand (50,000) inhabitants according to the last preceding or any future Federal Census, the governing body shall have the power to lay out, acquire, and construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances; defining the term 'Freeway'; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 771 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 771 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	McDonald
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—1

Bullock

Absent

Hudson	Weinert
Moffett	

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Bullock

Absent

Hudson	Weinert
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Absent—Excused

Bracewell	Hardeman
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House Bill 594 on Second Reading

Senator Morris moved to suspend the regular order of business to take up House Bill No. 594 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

McDonald	Weinert
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Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 594, A bill to be entitled "An Act authorizing the Governor to designate the Chairman of the State Board of Water Engineers as Compact Commissioner to represent the State of Texas in conference with Compact Commissioners for the State of Louisiana, and a representative of the Government of the United States to negotiate an agreement respecting the use, control and disposition of the waters of the Sabine River; prescribing the authority and duties of the Compact Commissioner; etc.; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 594, Section 5, lines six and seven, as follows:

By striking out the words and figures "Five Thousand and Four Dollars (\$5,004)" and insert in lieu thereof the following:
 "Six thousand six hundred (\$6,600.00) Dollars".

The amendment was adopted.

The bill was passed to third reading.

House Bill 594 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 594 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Corbin

Absent

Cousins Weinert

Absent—Excused

Bracewell Hardeman

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Colson	Martin
Corbin	McDonald
Harris	Moffett
Hazlewood	Moore
Hudson	Morris

Phillips
Shofner
Strauss

Taylor
Tynan
Vick

Absent

Cousins Weinert
Proffer

Absent—Excused

Bracewell Hardeman

Senate Bill 32 on Second Reading

Senator Bell moved to suspend the regular order of business to take up S. B. No. 32 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—1

Aikin

Absent

Cousins Weinert
Moore

Absent—Excused

Bracewell Hardeman

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act to amend Article 836, Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 32 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 32 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Aikin

Absent

Corbin	Proffier
Cousins	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Ashley	Lock
Bell	McDonald
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffier
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—3

Aikin	Martin
Lane	

Absent

Cousins	Moffett
Hudson	Weinert

Absent—Excused

Bracewell	Hardeman
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House Bill 758 on Second Reading

Senator Carney moved to suspend

the regular order of business to take up H. B. No. 758 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Bell	Lane
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffier
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelly of Tarrant	Vick

Nays—7

Aikin	McDonald
Ashley	Moffett
Lock	Taylor
Martin	

Absent

Cousins	Kelley of Hidalgo
Jones	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 758, A bill to be entitled "An Act granting aid to the property in and the inhabitants of Cass County, Texas, made necessary by reason of the calamitous overflows and floods of Sulphur River and the many branches and creeks which empty into Caddo Lake and said river, which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and the inhabitants of said County and State Ad Valorem taxes for general purposes levied or to be levied on property in said County, including rolling stock of railroads for the next two (2) years, beginning with the next fiscal year, September 1st, 1949, and ending August 31st, 1951; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 758 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 758 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—3

Lock	Proffer
Martin	

Absent

Cousins	Weinert
Moore	

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	McDonald
Carney	Moore
Colson	Phillips
Corbin	Proffer
Harris	Shofner
Hazlewood	Tynan
Hudson	Vick
Jones	

Nays—7

Aikin	Moffett
Lane	Morris
Lock	Taylor
Martin	

Absent

Cousins	Weinert
Strauss	

Absent—Excused

Bracewell	Hardeman
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House Bill 396 on Second Reading

Senator Harris moved to suspend the regular order of business to take up H. B. No. 396 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Ashley	Kelly of Tarrant
Bell	Lane
Bullock	Moore
Carney	Morris
Colson	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—6

Aikin	Martin
Corbin	Moffett
Lock	Taylor

Absent

Cousins	Shofner
McDonald	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 396, A bill to be entitled "An Act donating and granting to the Dallas County Flood Control District all of the State ad valorem taxes that may be collected for general revenue purposes upon property located within said District and from persons therein, for a period of twenty years, commencing September 1, 1949, not to exceed, however, the sum of One Hundred Thousand Dollars (\$100,000) per annum; providing purposes for which such money shall be used; prescribing the duties of certain officials of Dallas County with respect to such monies donated; providing that, if any part of this Act be held unconstitutional, such decision shall not affect the remaining part of the Act and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 396 on Third Reading

Senator Harris moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 396 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bullock	Moffett
Carney	Moore
Colson	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—3

Corbin	Taylor
Lock	

Absent

Cousins	Strauss
McDonald	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—16

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Carney	Moore
Colson	Phillips
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick

Nays—10

Aikin	Martin
Bullock	Moffett
Corbin	Morris
Lane	Proffer
Lock	Taylor

Absent

Cousins	Weinert
McDonald	

Absent—Excused

Bracewell	Hardeman
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Bill Re-referred

On motion of Senator Hazlewood, H. B. No. 250 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Judicial Districts.

Committee Substitute House Bill 422 on Second Reading

Senator Colson moved to suspend the regular order of business to take up C. S. H. B. No. 422 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Ashley	Moffett
Bell	Moore
Bullock	Morris
Colson	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Lane	Vick
Lock	

Nays—2

Corbin	Kelly of Tarrant
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Absent

Carney	McDonald
Cousins	Weinert

Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 422, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and Attorney General; provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend the printed copy of C. S. H. B. No. 422, page 3, Subsection C, line 18, by striking out the word "County" and inserting in lieu thereof the word "Country."

The amendment was adopted.

Senator Colson offered the following amendment to the bill:

Amend the printed copy of C. S. H. B. No. 422, page 5, line 62, by striking out the figures "\$108.31" and inserting in lieu thereof the following: "\$108.81."

The amendment was adopted.

The bill was passed to third reading.

Committee Substitute House Bill 422 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 422 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Cousins	Weinert
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Absent—Excused

Bracewell	Hardeman
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Vote on Request of House for Conference Committee on House Joint Resolution 7 Reconsidered

Senator Taylor moved to reconsider the vote by which the request of the House for a conference committee on H. J. R. No. 7 was granted and asked to have the motion to reconsider spread on the Journal.

Bills and Resolution Signed

The President pro tempore signed in the presence of the Senate after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 106, A bill to be entitled "An Act to amend Articles 807 and 809 of Title 9, Chapter 4, Code of Criminal Procedure of the State of Texas; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act creating a County Court at Law of Nueces County, Texas, and prescribing its jurisdiction, etc.; and declaring an emergency."

S. B. No. 360, A bill to be entitled "An Act authorizing certain types of property defined therein as 'Urban Property,' situated within, and subject to taxation by, certain types of water control and improvement districts or water improvement districts, described in the Act, now existing or hereafter to be created, to be excluded from such districts by proceedings and upon conditions prescribed in the Act; and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Enabling Act to carry into effect Sec. 49-B of Art. III of the Constitution; to bring into being the Veterans Land Board as a State Agency and provide procedures for the operation thereof; etc.; and declaring an emergency."

S. C. R. No. 40, Granting K. C. Jones, Jr., permission to sue the State.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 250, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KELLY of Tarrant, Chairman.

Senator Hazlewood submitted the following report:

Austin, Texas,
May 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 150, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HAZLEWOOD, Chairman.

Bills Ordered Not Printed

On motion of Senator Hazlewood, it was ordered that H. B. No. 250 be not printed.

On motion of Senator Kelly of Tarrant, it was ordered that H. B. No. 783 be not printed.

Senate Bill 334 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 334, A bill to be entitled "An Act to regulate and license the business of making small loans in the amount or value of Five Hundred (\$500.00) Dollars or less, secured or unsecured; making findings of fact and statement of legislative purpose and policy; defining certain terms; defining the persons and business covered by this Act and the exceptions thereto; providing that a license to engage in such business shall be obtained from the Banking Commissioner of Texas; etc., and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Recess

Senator Bullock moved that the Senate recess until 10:00 o'clock a.m.

tomorrow.

Senator Kelly of Tarrant moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Kelly of Tarrant, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Corbin	McDonald
Harris	Moffett
Jones	Moore
Kelly of Tarrant	Phillips
Lane	Tynan
Martin	

Nays—16

Aikin	Kelley of Hidalgo
Ashley	Lock
Bell	Morris
Bullock	Proffer
Carney	Shofner
Colson	Strauss
Hazlewood	Taylor
Hudson	Vick

Absent

Cousins	Weinert
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Absent—Excused

Bracewell	Hardeman
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Question then recurring on the motion of Senator Bullock, it prevailed.

The Senate accordingly at 5:00 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FIFTY-FOURTH DAY

(Continued)

(Tuesday, May 31, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Lane submitted the following reports: